97-28-98

G. R. S. IX-51

Previous references. 1816-97.

192 .

(L. 2)

File No. 151-96

Serial Nos. 1-6

Later references.

GENERAL AND RESIDENCE SECRETARIAT.

Serial Nos. 1-6.

In Part B for Jan 1905

SUBJECT.

Appeal of Ranga of Agara Village, Bangalore Taluk regarding a piece of Inam land.

Commissariat

1 Precis

(5)

Appeal Suit No 106
of 1896-97

Appellant — Ranga
of Agara village
Bangalore Taluk,
Bangalore district.

Post pikearil
in Thirumal
course
Mud
26/12/97

26/12/97
Book up for
hearing
19/1/98
Posted to 20th January

13-1-67

This is an
appeal against orders
nos 505 & 2-2-97 and
353 & 30-11-96 respectively of the deputy
commissioner of the
Bangalore district,
stating that the land
alleged by the appellant
to be his, belongs to
Government.

A partition deed
between the appellant
and his uncles mentions
the boundaries of their
building site in the
above village as

follows— On the west and South by Shanbhag's building site; On the north by Timma Ranga's building site; and on the East by a hedge.

Hosteté Ranga 19-7-82 —— (7)

Timmayya and Ganga submitted the following petition to the Amildar — "We bought a building site from Ramayya and Bettada Timmayya in the village of Agara. There is a road leading to our houses. This road belongs to us & has been used by us from a long time. But on the 17th inst. this road was blocked up by Chikka Ranga with prickly plants, on the ground that the said road was the backyard belonging to his house. He has also begun to lay foundation to raise a wall to block up the

Road. We pray that the obstruction may be removed from the road."

(2) —— 21-10-92 The above petition was referred to the Mudaliar and he took down the following depositions of the Kyots of Agara village — " The disputed place was a pittal in which the petitioners built their houses some 6 months back. The petitioners' road ran through Kajan Timma's yard and close by the houses of Bellada Timma & Channayya, but did not run through the place which Chikka Ranga has fenced,

25-10-92 and reported to the Amildar as follows— " The petitioners built their houses in the disputed place (marked 4 in the map) about six months back. Their roads sometimes ran through no 2 and no 7 in the yard

Vide-(3)7

of Rajan Tilinda and sometimes through no 3 and Bhamarayas lane. There are two parties in the village. It is wrong not to have left a lane close by no 6 for the use of the petitioners.'

Thereon the Amildar ordered that he would settle the matter by his personal inspection during jamabandi

Vide — Amildar's order no 646 of 26-10-92

Ganga and Timmayya submitted again the following petition to the Amildar — 'The road to our houses was blocked up by Chikka Ranga. On our petition complaining the same it was ordered that our complaint would be soon settled by your personal inspection. We pray our case may be soon settled.'

23-1-93 —— (7)7

The matter was again referred to the Shekdars who reported as follows — 'In the plan submitted with my former report the roads marked 1, 2, and 3 are the only roads for the petitioners to go to their lands.'

23-1-93

p.5

(6)7 —— 30-5-93 Gunga and Timanya submitted a reminder to their former petition.

(8)7 —— 20-8-93 Thereon the Amildar issued the following Order:- "Two persons that there was a road to the north of the petitioners' houses for passing through the yard of Kenga. Kenga son of Timanya had a road to his yard through the vacant piece of building site to the east of his house. His cattle also was passing through the same road. since it is the allegation of the people of the village, that during the repair of the houses of Bellada Timanya, situated to the east of the vacant building site, a portion of Kenga's vacant site was occupied by his consent with the object of making the lane narrow, the petitioners should pass through the manor road. They cannot be given a separate road. The petitioners purchased the vacant site from

Ranjanna three years back & have built their house there. The road in which Ranjanna had the right to pass through should be the road for the petitioners also. It does not seem fair that a separate road should be given to the petitioners. The petitioners ought to have secured the right of way through Hittal when they bought the site. But they did not do so in their own folly. Therefore no new order can be passed in the case.

Thereon Ganga, Timmalayya & Hoole Ranga submitted the following petition to the Dy. Commissioner— 1—11—93 —(5)7

"The Amildar without proper enquiry decided that we should pass through the lane of 2 cubits in breadth between our houses & that of Channaroya. Our Yokes & bullocks cannot pass through the said lane. The water pots when carried by our females

are fenced about by the canes projecting on both sides of the narrow lane. We pray therefore that the obstruction put by Chikka Ranga may be removed so that we may utilise the road.'

3-11-93 The Amildar was directed to report on the subject matter of the above petition during the jamabandi.

(4)7 — 25-12-93 Chikka Ranga also submitted the following petition to the Dy. Comr — 'Ganga, Timmaya & Hoskote Ranga submitted a petition to the Amildar to open a road through my house. The Amildar on personal inspection refused to grant their request & ordered that they should pass through the lane close by Kempa's house. But Kempa has built a tiled Verandah blocking up the Manool road. Therefore Kempa may be ordered

to remove the 'verandah.'

Thereon the deputy Court ordered as follows— 11—4—94 —— (9)
'I have heard the parties. The dispute is about the right-of way from a private house in the Gramanatha. The Amildar has seen the place & pointed out the manod way. If the petitioners are not satisfied with it & want a particular way which they have in view, they should establish their right in a civil Court. If the way pointed out by the Amildar is blocked up, the aggrieved party may prosecute the offender;" and directed the Amildar to give endorsement to the petitioners to the same effect. 13—4—94 — (10)

Ganga, Timmalayya, & Ranga again submitted the following petition to the Dy. Court — 'We complained to the Amildar that one Chikka Ranga blocked the road leading 9—3—95 —— (9/2)

to our houses. The Ambilan showed us a narrow lane in which our cattle and our women with water pots cannot pass without difficulty. We complained about the same before you on two or three occasions. We pray that a road may be opened for our cattle and women to pass through without inconvenience

The petition was referred to the Ambalan & he reported that the petitioners case was decided by order No 1560 of 13-4-94.

Vide - (9)7.

(46)7 —— 17-8-95

Ambalan Ranga thereon submitted the following petition to the Dy Comr — " My brother Kanga is a half sharer of the vacant building site belonging to our ancestors. He sold his half share to Hosakote Ganga. Ganga has built his houses on the purchased site. The other half of the site is in my possession

and I have built a house in it. While this is the case a petition was submitted to the Amildar for a road to be opened through my portion of the site. The Amildar decided that Ranga's site should be used for road. I am a man of large family & so I tried to build another house. But I was prevented from doing so. I requested the Amildar to issue orders not to prevent me in building my house. Up to this time nothing is decided. I pray that orders may be issued not to prevent me from building my house in my site."

The Amildar was directed to order the petitioner to present himself before the Dy. Comr. and to submit a plan of the roads & the houses of the village.

The Dy. Comr. after referring to the records connected with the case

decided as follows —

29-3-96 'Since the previous Dy. Coms has decided the ~~the~~ case we cannot interfere in the matter.'

The petitioner was given an endorsement to the same effect.

Thereon Chikka Ranga applied for a copy of the Amildar's order & got the same.

(21) — 9-5-96 Ranga submitted the following petition to the Dy. Coms — 'I submitted two petitions on 1-11-93 & 8-1-94 respectively for the restoration of the road which is fenced by Chikka Ranga. My case is not yet settled. My houses are to be abandoned. I pray that my case may be soon settled.'

(22) — 11-7-96 Thereon the Amildar took down the depositions of Bettada Timma & Chikka Ranga.

Bettada Timma's deposition is as follows — 'I raised a wall before my house to prevent the trespass

of Cattle about
7 or 8 months back. I
am wrong in raising
the wall. I will measure
the wall before the Shekdar.

Shikdar Rangaa 11-7-96 ——— (23)½
deposition is as follows—
'I do not know the
measurement of my
site. If I had known
the measurement — I
would not have en-
croached upon Govt.
land. I built my
house about 5 or 6 years
back. I have no records
to show the measure-
ment of site. Even if
time be allowed to me
I cannot produce
any record. I cannot
account for the excess
of 10 ~~yards~~ feet from east
to west. I cannot
produce any record
for the excess. I will
refer to Shekdar for
accounts & if there be
any I will produce
them within a month.
In case I fail, I will
consent to the adjud-
ment by Sarkar accounts.

P.13

(25) — 11-7-96

The Shekdar also got a Mahazar signed by Patel Timmegowda & others of Agara village. It is as follows:- 'In accordance with the order of the Amildar, the fence between Chikka-Ranga's house & Veera-Kempana Timmaiah's house and the wall that is so put across the lane leading to ~~Timmaiah's & others~~ house the houses of Timmayya & others, were removed. The portion of the fence that was removed before the Amildar was not put again.'

(24)7 — 14-7-96

The above Mahazar was submitted along with the following report of the Shekdar:- 'As stated in the Mahazar the fence & the wall were removed.'

(26) 25-7-96

Chikka Ranga again submitted the following petition to the Amildar:- 'My brother Kempa and I have been in the enjoyment of the site

as mentioned in the petition
deed 9 13-9-67. Ranga's
share was bought by
Ganga & others. The
purchasers' attempt to open
a road through my site
was rejected by the Dy.
Comrs. They have again
lodged a complaint
before you. Therefore
I have submitted the
present petition with
the following points -

note -
(deed is produced in the file)

1. Ranga parted with from
me about 29 years back.
2. He had a separate
road for his house.
3 The purchasers too
were using the same
road.
4. The present Contention
to open a road through
my house is wrong.
5. The Complaint of
Ganga & others is against
your order
6 The complaint is
made from malice.
Therefore justice may
be shown to me.

Thereon the Amildar reported to the Dy. Comrs as follows - "I

1-8-96 —— (27)7

p. 15

Vide (15)7

saw the disputed place.
It is true that the petitioners
viz Gangaiah & others have
no road for ingress &
egress. A plan is sub-
mitted herewith. In this
the places marked C
and D are connected
as usual by roads to pass through.
But this is so narrow
that the petitioners cannot
pass through without
touching the side walls.
In the plan the Raja-
veedi contains a red
line. From this to the
place marked B, a
road is said to have
existed. This is marked
with dotted lines. This
road is said to have
been blocked up by
Bhikka Ranga by
building a house. If
the eave of this house
be removed the petitioners
will have a proper road.
But the Govt. has to bear
the expense of knocking
down the building.
Bhikka Ranga has en-
croached upon the high

road. The place marked
E in the plan is the
Hittal belonging to
Chikka Ranga's house
marked B. In the
Khanesumari accounts of
1859-60 this Hittal measured
30 yards from east to
west. According to
Ramanatha accounts
prepared in 1871 the
house marked B in
the plan & the said
Hittal measured only
33 yards from east to
west. Now the site
measures 36 yards.
These accounts show
that 6 yards of sarkar
land are encroached
upon. To the east of
the said Hittal there
is a sarkar fence.
Chikka Ranga has
made his encroachment
west on this fence. The
resumption of these 6
yards will afford
facility of road to the
petitioners through sarkar
land. Moreover this
place is vacant sarkar
land. Therefore the

said 6 yards may be
Resumed from the
Hittal for road purpose.

(28)7 — 26-8-96 The Dy. Comr
ordered the Amildar
to Resume the said
6 yards for road
purpose from Chikka-
Ranga's Hittal &
direct Ganga & others
to pass through the
road marked E.

(28/2) — 22-8-96 Chikka Ranga
Refused to give up
the said six yards. Where-
upon the Amildar was
directed to resume the
same with proper
steps & report on
the whole proceeding.

(29) — 29-8-96 The Amildar took
down the deposition of
Chikka Ranga, which
is as follows — ' I
have raised a wall in
the site with 7 or 8 pillar
stones. I cannot give
up the place. While the
late Amildar inspected
the place there was the
wall with stone pillars,
in the disputed place.'

30-11-96 The Amildar made
arrangements to open

the road for the use
of the petitioners is con-
sistent with the order
of the Dy. Comr.

Irrannahile Ganga 29—8—96 — (30)
submitted the following
petition to the Amildar—
' Chikka Ranga, knowing
that by the order of the
Dy. Comr, he will be
compelled to give up the
extra piece of land, has
been building his house
during night times.
He may be prevented
to proceed any further
in the construction affair.'

The Shekdar in con- 29—8—96 — (32)
sistant with the order of
the Amildar gave
notice to Chikka Ranga
to give up the said 6 yards
according to the order
of the Dy. Comr & took
the following Mutchalika
from Patel Timmeyeda
& Toti Racha of Agara 31—8—96 — (34)
village — ' We will take
care that Chikka Ranga
may not disturb Ganga
& may not raise any
wall in the place which
has been ordered by the

by bonn to the Jeamad'

(35)— 31-8-96 The Shekdar took down also the following deposition of the Patel separately — 'I have been collecting manure here in this place for the last — 7 or 8 years & I do not remove the manure from this place.' and reported to the Amildar as follows — 'Bhikha Ranga prevents to open the road. The Patel is the uncle of Bhikha Ranga & so the Patel is favourable to Bhikharanga. The Patel refused to remove the manure pit which is in the road to be opened. The place is yet vacant. The Patel & the Koli have given a Mutchalika not to allow Bhikha Ranga to raise any building on the said site. Bhikha Ranga has been removing earth from the place where the road is to be opened

(36)— 2-9-96

so that it may become
unfit for Road purpose.'

Chikka Ranga 3—9—96 —(31)71
submitted the following
petition to the Amildar—
' I cannot remove
my building as I was
ordered. I did not
encroach upon the
Sarkar land measuring
6 yards. This false
account of encroachment
is caused by the false
entry of Shanbog and
Shekdar in their
accounts. I pray
to know the person
who will be held res-
ponsible for my loss
if my building be
knocked down.'

The Shekdar was 8—10—96 -(37)7
again ordered to remove
the hedge planted by
Chikka Ranga.

The Shekdar again 11—10—96
reported to the Amildar
as follows— ' The Patel
~~Chikka Ranga~~ is in the
way of executing the
order. The Patel has
a manure pit in the
place where the road

is to be opened & refuses to remove the same."

(40) — 20-10-96 Another materialia was taken from the Patel & the Goti, by the Shekdar not to allow Bhikha - Ranga to raise any wall or building in the portion of the site ordered to be given up by him.

(38) — 20-10-96 And another ~~complaint was made~~ report complaining against the Patel was ~~made~~ submitted by the Shekdar.

4-11-96 Thereon Ranga submitted the following petition to the Dy. Coml. "In accordance with the partition deed 3.11-3-67 which is produced herewith I have been in the enjoyment of my own site mentioned in the deed. Timmaraya and others mentioned in the deed sold the portion of their site 3 years back. They abandoned the manual road, built new houses and afterwards complained to

the Amildar & that a separate road should be opened through my site. The then Amildar inspected the site & ordered Ganga & others to pass through a certain road. The order of the Amildar is produced herewith. On the appeal of ~~the~~ Ganga & others to you ~~above-named~~ members, the order of the Amildar was confirmed. On the advent of the present Amildar, Ganga & others submitted another petition to open a road through my Hittal. The Amildar without proper enquiry, resumed a portion of my Hittal for road purpose. In this connection I submitted a petition to you. ~~Honour~~. I pray that with proper enquiry the resumed portion of my Hittal may be restored to me or a copy of the endorsement on my petition may be given to me.

p 23

Vide – Dy. Com.rs Order No 353 of 30-11-96

The petitioner was informed as follows – 'The Amildar has reported on your encroachment of Sarkar land with proper enquiry & it has already been ordered that the encroached land should be given up. Therefore we will not interfere again in the matter.'

(39) — 7–11–96

Thereon the road was opened as ordered by the Dy. Com.r for free ingress & egress of Ganga & others

(41) — 15–11–96

The Police Safadar reported to the Amildar as follows – 'As ordered by you I was in Agara village while Ganga & others constructed a road for them. The road was constructed without any disturbance.'

(42) — 15–11–96

And Ganga & Timmaiya submitted the following written statement to the Amildar – 'According to our request a road was opened for us & we have no complaints.'

The following Makazar of the panchayet of Agara village was also submitted — In accordance with the verbal order of the Amildar, the Sheledar & the Cafadar opened the road as directed in the record having Chikka Ranga & others in presence. On one side of the road the Patel has a manure pit & on the other side Chikka Ranga has his manure pit. The collection of manure on both sides of the road is injurious to the passers in the road. Since the road is marked to pass through one of these manure pits, the Patel has agreed to remove his pit & make the road passable to the petitioners' houses. But Chikka Ranga complains that the land that is now resumed belongs to him.'

15—11—96 ——(43)7

The Amildar along with his submission of the above makazar & sheledar's report, reported to the Dy. Comr. that the road was opened as directed.

23—11—96 ——(28/2)

P-25

P-25

27-1-97 Ranga Iyer submitted the following petition to the Dy. Comr — Montmy pittal on the complaint of Hosakote Ganga, the first order was issued in my favour both by you & the Amildar, and then another order was issued in favour of Ganga. I complained on 24-11-96 to you, the injustice of the 2nd order which is contrary both to the records connected with the case & my enjoyment of the site. ~~on 24-11-96~~ My case is not yet settled. I pray that my case may be soon settled by referring to the records connected with ~~the case~~ it.

2-2-97 Chikka Ranga was ~~was~~ informed by order No 535 dy 2-2-97 of the Dy. Comr that his case was settled & that no interference would be made again in the case.

8-4-97 Ranga the appellant has preferred an appeal

to Govt. against the above mentioned order & the order mentioned on page 23 of the Dy. Commissioner.

note — { The Dy Comrs order is fully translated on page 23 of this precis }

The grounds of appeal are —

1 If the site belongs to Govt it would have been noted either in the settlement or in the map.

2 Moreover it — is the only path leading to his house & within the boundary alone fixed by the Survey department.

3 It has also been in his possession and enjoyment since the survey settlement.

4 If the respondents had been the real hakdars and in the enjoyment of the site they would in pursuance of the Dy. Comrs endorsement have preferred a suit in the Civil Court. Instead of doing so they on the transfer of the Amildar

Vide — Dy. Comrs order 8. 11-6-96. (97.

P-27

renewed their complaint to the temporary Amildar concealing the previous orders in the matter.

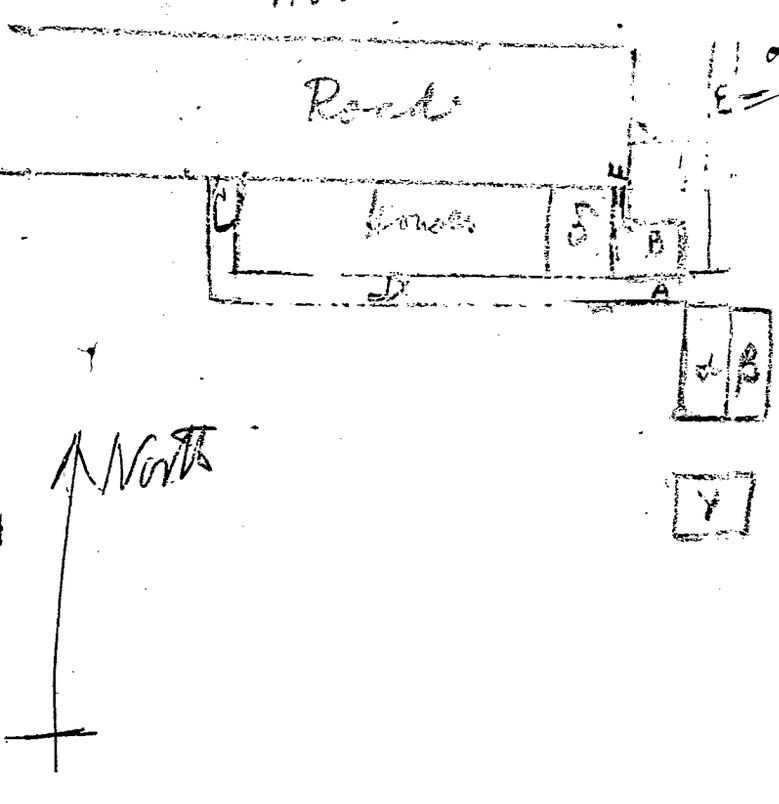
On the above grounds the Applicant prays that the Dy. Comrs order may be cancelled or he may be allowed to sue the respondents in a Civil Court.

13/11/97

There are two sketches in the file
— Serial nos 3 & 15 But
Serial no 3 is not very useful
Serial no 15 is the sketch drawn up for the use of the Amildar & referred to in his report.

C & A is the Lane pointed out as the usual path for the C-pet (Where houses are marked A, B, Y)
by the Amildar Rajkeshar Rao
F is the path blocked up & ~~induc~~ the blocking up is due to the joint encroachments of Betta Timma, owner of house D & the pet ½ the owner of house B
E is the path now opened by

x Part of this thro.



after being resumed from the pet[r]

=

The orders passed by Messrs
Shafiat Ali & Rajesha Rao
dealt with the question as
one of right of way. The Shekdar
took down a Panchanama on
on the ground & marked where
was against C-pet[r] but in
his report the Shekdar pointed
out the inconvenience caused
to the C-petrs. ~~It is not~~
~~Mr Dean made~~

=

The report of the amildar
Rung & Rao brought out for
the first time that pet[r]
had encroached upon sirkar
house site & said to have been
given in the Laddaki Khanesumari
~~B~~ as 30 yards, & in the
account of 1891 as 33 yds
while it measured in 1896
36 yds. The boundaries given
in the partition deed produced
by pet[r] are not referred to by
the amildar (as either showing
or weakening the theory of
encroachment).
The amildar has concluded & the
D[y] Comm[r] has agreed with him
that 6 yds must have been
encroached upon.

The encroachment must have been either on the East or West ~~side~~ of the pet^rs house. As however pet^rs building stands on the west side, the encroachment has been taken to have been on the east side (ie E)

The fence & wall erected by pet^r have been removed & pet^r has admitted that he cannot explain the excess of 6 yds between the lengths measured in the years 1859-60 & 1896

It is however doubtful if the procedure adopted by the arbitrator & the D Com^r is correct. All that can be said to be clear is that 3 yards have been encroached upon within the years from 1859-60 to 1891 & an equal length between years 1891 & 1896

If the encroachment comes under Sec^{n} 37 of the 2 Rodd, the Surveyor shall have the Bd Commr^{s} hold a formal enquiry himself and a notice should be served upon the persons in occupancy - before the obstruction can be removed. The Bd Commr has not recorded a formal finding that the encroachment was occupied for less than 12 years, all that it unquestionable being that 3 r 8 p were encroached upon since the Jan. 1891

The onus of proving that the portion E belongs to Pet^{r} has, under Sec^{n} 36, been rightly thrown on the Pet^{r}

M 18/11/97

It is not very clear what the cause of difference in the measurements of Mr Petri's lands at different periods was his encroachment upon Govt land. The existence of a hedge alone does not show that the land on which such hedge or wire is stood is the land of the owner of the lands up to. If on the other side of the hedge there is private property and the object of the hedge is to define the two ownerships. The Petn states that on the other side of the hedge is the land on the manure - pit belonging to the Petn - this point must be cleared up beyond doubt and the Bd Commr must record a distinct finding as to whether the land occupied by the hedge is Govt property.

When again it is said that in the year 1891 the Petn's land was measured to contain 33 yards from East to West.

2)

Mr Sr contends that the land in question has been in his possession from the time of his forefathers. There is no information when the encroachment if any took place as it might have occurred at any time between 1860 & 1891 - If it is possible the probable date of encroachment must be found, as it is only if the encroachment is within 12 yrs that the Dy Coll can interfere to remove it -

An accurate sketch plan showing the position of the Setts site together with all the other places in dispute will also be sent

20/1/98

Dept. Archy. Proc. No. 8875 of 25/11/98.
1904
Bln 241

The above order was communicated to the Hon'ble
who is fully responsible to Government, vide

with a Note showing the position in dispute between the Crown Lands Department and the Post Office authorities and Postal Service of the United States:-

"The extent of the Railway Property is Block Range, the Letters 1 and 38 marked on the Sectional Diagram. The Remainder of the land on which the Post Office is part. Land and the Letters could not prove that the land belongs to them."

"The Site of Sandhurst Railway Station has been vacant ever since the Line was opened, and it is not likely that it will be required for the Purposes of the Railway Station for many years to come."

WRM

BK
2/10/98

The memo & the Sketch now sent show that the present dispute has occurred owing to Kempa having blocked up a manual pathway. Both the Dy Comm & the Asst Comm think that there has been no encroachment by the Post Office (Mr Purvis) as the Site in dispute was alienated even

vacant. They seem
to be unaware that
a fence put up the pet^r
was removed by the
Arbitrator & that the
encroachment has been
removed.

As regards the 1st point
referred to in the order of
remand, the Arb^l Comm^r
states that the Land occupied
by the hedge is Sch^l Land
The Arb^l Comm^r argues
that the encroachment
could have taken place
only in this direction as
on the other three sides there
are either buildings or
Streets

[signature] 10/10/95

Rec^d 11 Copies Brief
13. 5. 67 Brief & Sch^l & Sch^l

Appeal No 106 of 1896-97.

Appellant	Respondents
Ranga of Agara Village Bangalore Tk	(1) Hoskote (2) Ganga.

Subject

This an appeal against the order of the Dy. Comr, Bangalore district, No 371 of 26-8-96, directing that an extent of 6¾ of land in a vacant site belonging to the appellant, which was found to have been encroached upon by him, should be removed and a road opened through it.

The facts of the case are as follows:-

On 19-7-92 three persons viz Hoskote Ranga, Timmalaiya & Ganga petitioned the Amildar of

of Bangalore that they had built houses on a vacant site purchased by them from one Kempaiya and another Bettada Timmaiya, and that a manual path leading to their houses had been blocked up by one Chikka Kanya on the ground that the same formed a part of his kittal. They prayed that the obstruction might be removed and the path left open.

2. The Shekdar to whom the Amildar referred the petition for report, took a Statement from the villagers wherein they said that the manual track to the petitioners' houses lay by the side of the house of Kenya from whom they had purchased the site and

by 21-10-92 (Kanya & others)

in which they had built houses and that the place which Chikka Raja had blocked up was not the usual path. But in his report he stated that much inconvenience had been caused to them for want of a path to their houses. Thereupon the Amildar ordered that the usual path lay through the yard of Kenpa, that the latter had narrowed the same by allowing Settada Timma to build on a portion of it, that when the petitioners (Respondents) required the site from Kenpa they also acquired the right of way to it, that they should pass by the same path through which Kenpa used to pass and that no separate path can be opened.

C. Nagendrachar
20.8.93

3. Thereupon the Respondents appealed to the Dy. Commr saying that the Amildar ordered without proper enquiry that they should pass through a narrow lane where their bullocks could not be taken, that the projecting eaves on both sides of the lane made it very difficult for their women to carry their water-pots and that therefore the obstruction put in by Chikka Ranga might be removed. The latter on the other hand complained that the Respondents were trying to open a road through his house, that their manual path had been closed by Ranga by his building a verandah thereon and that Ranga might be ordered to pull down his verandah and leave the path open.

§ 1-11-93.

§ 25-12-93

*Mr. Mir Shujaat Ali Khan

9 11-4-94.

4. Thereupon the Dy Commr passed the following order:-

I have heard the parties. The dispute is about the right of way from a private house in the Savatana. The Amildar has seen the place and pointed out the manual way. If the petitioners are not satisfied with it and want a particular way which they have in view they should establish their right in a civil court. If the way pointed out by the Amildar is blocked up, the aggrieved party may prosecute the offender.'

5. The Respondents again petitioned the Dy Commr on 19-3-95 and 9-5-96 respectively praying that the path blocked up

by Chikka Ranga might be left

free. After enquiry the Amildar Sri. Ranga Rao

to whom the petitions were referred

reported that during his personal x 31-8-96

inspection he found that the Respts

had no road for ingress & egress,

that the path pointed out by Amildar *CD in the sketch

Nagesa Rao was so narrow that

the Respts could not pass [redacted]

through it without great difficulty,

that from D to B there was a road

which had been blocked up by

Chikka Ranga by his building a

house thereon, that the latter had

encroached on 6 yards of Sirkar land,

that the length of this house site

was 30 yards as given in the Mam-

mari account of Siddharti 1859/60

and 33 yards as in the account of

1891 while it measured 36 yards in 1896,

that the encroachment was on a fence to the east of the land and that the resumption of the 6 yards along the fence would afford facility for a road.

Mr. V. N. Narasimmiengar

& 26. 8. 96

6 Thereupon the Dy Coll? ordered the Amildar to resume the said 6 yards from Chikka Rangá's site and convert the same into a road for the ~~Respondts~~ Respondents' passage.

7. The appellant Chikk Ranga refused to give up the land on the ground that it formed a part of his hittal, that his house being too small he was building a house on it and that it would be greatly to his

great disadvantage if the land he is taken away from him &c. After some correspondence a wall which the appellant had put up was knocked down and the road opened on 7. 11. 96. The appellant's prayer for a review was rejected by the Dy Commr on 2. 2. 97. 8 7. 11. 96

8 The appellant preferred an appeal to Govt on 8-4-97

The grounds of appeal are:-

(1) that if the site or portion of it belonged to Govt it would have been so noted in the accounts;

(2) that the part now resumed is within the boundary fixed by the Survey Department;

(3) that the same has been in his enjoyment since the Survey Settlement; and.

(4) that if the Respts had any right to the same they ought to have preferred a civil suit as per orders of the former by Cr Mr. Shujaat Alli.

---

9. The appeal was heard (before Messrs P. N. Krishnamurthy & Abdul Rahiman) on 20-1-98 when it was remanded to the Dy Comr for submission of a finding as to whether the land occupied by the hedge is Govt land. The Dy Comr was also asked to find the probable date of the encroachment in he could remove

Serial no (5) in the open file

remove the encroachment only if it had occurred within 12 years.

10. In reply the Dy Commr submitted a sketch and a memo by Mr. Asst Commr P. Seetaramaiya and stated that the land on which the hedge stands is Govt land and that the appellant could not prove that it belonged to him, and that as the site has all along been vacant there has been no encroachment, and that the excess which was found to be only 5 yards broad might be set apart for the way. Serial no. 11 & 27-9-98.

11. Thereupon the Dy Commr was again asked to state whether the partition deed of 13-8-67 gave the extent of the site equally divided between Serial no 12 & 13-10-98

Appt Ranji & ~~Respt~~ Timpa and whether the site in dispute said to be an encroachment was included wholly or partly in Ranga's half share.

Serial no 13 & 2-4-01. 12 In resp[t] the D[y] Comm[r] reports that the extent is not given in the bond but that the village ~~is~~ hedge is therein mentioned as the Eastern boundary of the land, that as the witnesses who attested the bond are all dead it is not possible to say whether the disputed portion is included in Ranga's share or not, that at the Taluk Jamabandi so much of the appellant's Ranga's house as was required to remove the obstruction of the way to the Respondents' houses was, with the appt's consent

J Mat 3 Col

knocked down and a road opened

(marked 10-2 in red ink in the sketch herewith submitted)

22/5/07.

47

Before the Government of Mysore.

Appeal No. 106 of 1896-97

Appellant.	Vs.	Respondents.
Ranga (or Chikka Ranga)		1. Hoskote 2. Ganga.

Dispute respecting a piece of vacant site in the village of Agara, Bangalore Taluk.

List of papers in English

(1) Appeal petition
(2) Official Memorandum
(3) Dy-Commr's report
(4) Sketch.
(5) Precis.

Appellant Ranga present. Respts Represented for hearing on 3-6-97.

Hoskote & Ganga -

Parties agree to the way opening the Southern on Appellant Ranga land to the westerly house & give Respts access to their house

Appellant wants the land with the ~~Govt~~ Dy Commr has found to be an encroachment to the East of his house 5 yards in & Govt to be compensated therefor

17/6/1901 This may be done

68

Ent Drilled

19/4/97

LR 151-96-1

1897 (1)

No. 2997 As No. 1060 of 96-97

Name of Petitioner Ranga

Village Ajjur

Taluk Bangalore

District Bangalore

Date of Trial 27-4-97

Date of Receipt 10-4-97

Date of Disposal

No. of Enclosure 1/2 6

1) Intimation (Ack sh endorsement did not reach pet^r till 2/5/97)

2) Stamps sufficient

3) Appeal against order of the Dy Comm^r declaring Kuvia Cattam Site Claims pet^r belongs to Govt

4) Council case

2 In regard the endorsement dt 8/4/97 the petitioners have received it and the appellant has to file the same subject - but the issues are the same

Sub D to 2nd Counsellor

M 22/4/97

Recd the 23/4/97.

Counsellor returned record

27/4/97

Dy Sec 27/4/97

Draft & Memo

M 28/4/97

Dft C.M. & Endt, issued

27/4/97

ABSTRACT.

Appeal against the order of the Bangalore District dtd. 30-12-97. 30-11-95 declaring certain land the Cattle stay is as follows

The Counsellor on behalf of the appellant has submitted that the land in question belongs to the Govt. since it was taken up and reported to this office after local enquiry that it should be reserved for road - Final notification was issued declaring the land as required and that it should be kept open for road - No other steps could be taken in the matter.

The further order is as follows

Endorsement dated 8-4-97 -over

(295)

petition and sent to you by post. It was
returned alleging that you were not found.
It has again been forwarded to you by post.
The roads have previously been looked in
the locality but further orders can be hoped.

The petitioner urges:- He received from the Court [illegible]
of the property referred to in the enclosed [illegible]
executed in pursuance of the decision of the Judicial
Court in 1867. The appellants (late) have been
in possession and enjoyment of the same for the
last 30 years.

[illegible] for the other half of the property.
He included the road then in his place in his land
and built upon it. Some years ago he conveyed
it to the respondents.

Some time back the respondents preferred
a complaint to the permanent councillor
that a [illegible] should be opened for them
in the appellant's house. The councillor after
personally inspecting the spot, the late [illegible] passed
orders on 20-8-93 as follows:-

Only two persons have supported the allegation
of the complainants viz that there was a path
to the north of their house leading to the [illegible]
of Temple. It is understood from the statements
of most of the people that there was a path to
their [illegible] on the land which had been vacant
from time immemorial, to the East of the house
belonging to the [illegible] of [illegible] -
that his cattle also used to go by the same path -
that at the ([illegible]) [illegible] and
[illegible], whose houses were situated to the East of it,
excluded, when they were repairing their houses, their
buildings, a portion of the vacant site to the South
[illegible] their houses belonging to their ([illegible]) and

that during to this the case had those
Magistrates those petitioners
should use the Warrant for the said Bag
Cannot be found to the Post - this
fact was known to the petitioners
and also the cause that did happen
to those years ago the petitioners have
purchased the Postal Telegraph to
Kenya have built houses etc
Kenya have a platform to those
houses that were built - when
you the Case platform should be the
Road for the passengers to come
Reading of it would not be fair to
petitioners a path as the Road Telegraph
to stop back - the petitioners under
knowledge the Postal Master have
Related profession of the petitioners
Clerk - It is that party is not duly
to the Post office could not be kept
in the Boxes -

Wherefore the respondents pray
the appeal to be dismissed with
costs and the order of the Resident
Magistrate be confirmed

Read over (Interpreted) to Tanuja
petitioner this 17-2-36 as they that you
and your brother Kenya signed your
your Counsel present Case - that Kenya
Company the portion of the Case
mentioned and that they have been
Responsible as your Case - the petitioner

the parties [illegible] in the matter it is found that the respondent has frequently been fined to the effect that all of the children in the present custody of the mother - that, however, has not [illegible] with the result filed suit in the civil court - and that the parties who [illegible] the petition by the [illegible] away by the petitioner should be presented by the [illegible] court - consequently the children do not appear in the record as [illegible] in the matter.

On the transfer of the permanent custody from the father to the respondent, the petitioner complained to the officer in charge of the case

Whereupon the appellant (father) [illegible] an appeal to the [illegible] without preferring to [illegible] the [illegible] of the petitioner, especially to the effect that the [illegible] should be transferred to [illegible] - and that consequently it would be [illegible]

If the children appear - it would then be [illegible] in the settlement [illegible] in the suit - [illegible] the [illegible] that [illegible] which [illegible] and within the [illegible] [illegible] by the [illegible] appeal - It [illegible] [illegible] in the proper and [illegible] [illegible] the [illegible] settlement - All [illegible] [illegible] should be [illegible] in [illegible]

If the respondent [illegible] the [illegible] that [illegible] [illegible] in [illegible] the [illegible] [illegible] by [illegible] in [illegible]

filed

Kitale Chief's Court No. 6 case pending

in Kitale Civil Court. Decided by

Amicable Settlement that Land

Parcel Kitale Municipality Block

Ainabkoi Div. Uasin Gishu District be

severed Each Party Retaining the

Portions Each Occupies

Respondent Evacuate Kitale Chief's

Post Maize Store Let Vacant

for Use by Petitioner's Kitale Civil

Entitled Civil Court Case

Enclosures

1. Petn. to Chief's 29-1-97 with Court Case No. 53

Memo

1- Do — 22-4-11-96 - No. 85

1- Zawawadi 1/8/August 67

1- Arrest Order 20-1-97

1- Chief's Court No. 96 8/11/96

1- Cover.

BK

Received 19/4

Posted 19/4/97

P.N. 55

Pet 1802 Und 220-Dep 3-5-97

A.J. No 106 of 1896-97

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

(21

LR 151-96-2

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 2997 dated 8-4-97 received at the Dewan's Office from Ramiya Agraha Bangalore [illegible] appealing against the Deputy Commissioner's order that the road alleged is a [illegible] to be [illegible], belongs to Government

is forwarded, together with its 6 enclosures, to the Deputy Commissioner of Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Aff

C2

Asst. Chief Secretary.

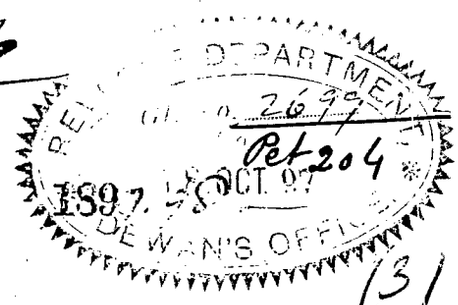
BANGALORE,
29th April 1897

3

29/4/97

M.G.C.P.B.—25-4-95—1,000

Sub



Pet 204

(31)

Gen. 31 J

LR 15146/3

From The Hon'ble Commissioner Bangalore & Districts

To The Secretary to the Govt of Mysore Revenue Depart. Bangalore

Dated 13th October

Despatched

Received

General No. 2? No. 4473

Enclosure No. 6 Vernacular Proceedings

from Office Memorandum Pet 1092 dated 29th April 97

Report on the petition of Ranga Iyengar, Kanjeri Losey, Bangalore taluk,

Pet
15.10.97

Refer put up.

AK
19/10/97.

Submitted
BK
19/10/97

For precis

My 20/10/97

Precis put up.

My
13/10/97.

Submitted
BK
13/10/97

Sub D to Comdr
with records

My 18/10/97

Rd 6 Nov.
18.11.97

57

Bangalore District
Commissioner's office
Camp Bagepalli, 3rd October 1899

D. No. 273
Enc: 6 Petitions

To,

The Secretary to the
Government of Mysore,
Rev: & Genl: Departments.

Sir,

With reference to your official Memorandum No. Rev 1602 of the 29th April 1899, calling for a report on the petition of Venga of Ogara in the Kasaba Hobli of the Bangalore Taluk, appealing against this office order to the effect that the land alleged by the petitioner to be his, belongs to Government, I beg to state as follows:-

& enclosures returned herewith

2. From the Khanashumari accounts of 1859-60 it is found that the petitioners kittal land was 30 yards in length from East to West. It now measures 36 yards. This excess of 6 yards can only be due to an encroachment upon the adjoining land which, being Government Pantlana gave him scope for an encroachment. An order was therefore issued from

this office to the effect that the petitioner must be dispossessed of these lands of Government land. The present appeal is against this order.

3. The entire proceedings in this connection are submitted herewith.

I have the honor to be,

Sir

Your most obedient servant,

[signature]

Commissioner

Box
Petition Branch
2nd Floor
14/1/98
Exp. 1.2.
14/1/98

Reference
26.1.98

LR 15-1-96

Letter No 1895 dt 27/1/98 by
Govt Bangalore.

H.C.R.
25/1/98 Refs obtained & put up
✓
AK
8/2/98 Ruled
9/2/98 MG

Notice rec'd by Govt
on 25/2/98 & the Appellant
informed by WL received by Govt
Order MG 14/2/98

Drafted
[illegible]
[illegible]98

57 (4)

1898

No. of 1843

Name of Petitioner ~~Hanuma~~ Ranga

Village Agara

Taluk } Bangalore
District }

Date of Arzi 2 January 1898

Date of Receipt 14-1-98

Date of Disposal

No. of Enclosure Nil

ABSTRACT

States, that he appealed to Govt about a year ago on the decision of the Dy Comm of Bangalore, regarding the passage to a site of the petr enjoyed by him for the last 40 years, that no final order have yet been passed on his application - that in the absence of any decision he cannot get his right established in a Court of law -

Prays that suitable order may be passed in his application
[illegible] 25/1/98

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 1843 R
DATE 14-1-96

Rot
To Pet Branch
14/1/96

1843

(5)

Proceedings of the Govt of Bombay

Read:-

(1) Letter No 473 of 12th Oct 97

from the Deputy-Commissioner, Bangalore District, reporting on the petition of Ranga of Agara, Bangalore Taluk applying against his order deciding that the pond alleged by the petitioner to be his is Government waste

(2) The records of the ... received with the above.

Order thereon:-

It is not very clear that the cause of difference in the measurements of the Petn's land at different periods was his encroachment upon Govt land. The existence of a hedge alone does not show that the land on which such hedge stands or where it stood if it has been since removed, is Govt land if

LR 151-96-5

P. 1395

2nd 9/12/97
P.M.4 20

must be found, as it is only
if the encroachment is within
12 years that the Deputy-Commr
can interfere to remove it.

An accurate sketch-
plan showing the surroundings
of the Peria site together with all
the other places in dispute will
also be sent. The DC (Coorg) is likewise
a party in this connection & so no Rc
No 5234-41 dt 15/12/47 regarding the preparation
Pt 715
Sketches in such cases.

For Secretary

C1 to C2

To
The Deputy-Commissioner,
Bangalore District, Bangalore

Bbm.
21/1

Rec 5.15 P.M

if on the other side of the hedge there is private property and the object of the hedge is to define the two ownerships. The Pet: states that on the eastern side of the hedge is the land or the homestead belonging to the Patel. This point must be placed beyond doubt and the Deputy Commissioner must record a distinct finding as to whether the land occupied by the hedge is private property.

Then again it is said that in the year 1891 the Pet's land was measured to contain 33 yards from east to west. The Pet: contends that the land in question has been in his possession from the time of his forefathers. There is no information when this encroachment took place as it might have occurred at any time between 1880 & 1891. If it is possible the probable date of encroachment

[illegible] 111 - [illegible] 6 [illegible] 10-7-1991

[illegible] 51-[illegible]-6

[illegible]

[illegible]

[illegible] 8.4.97

[illegible] 2997 [illegible]

[illegible]

1 [illegible]

5 [illegible]

By order

for Secretary.

No. 2997

By order

for Secretary.